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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

43rd meeting

Strasbourg, 27 November - 1 December 2023

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**Development of a commercial project in Skadar
Lake National Park and candidate Emerald site
(Montenegro)**

- REPORT BY THE GOVERNMENT -

*Document prepared by
The Ministry of Ecology, Spatial Planning and Urbanism of Montenegro*



Montenegro
Ministry of Ecology,
Spatial Planning and Urbanism

Address: IV Proleterske brigade 19
81000 Podgorica, Montenegro
tel: +382 20 446 200
fax: +382 20 446 215

Progress Report on the Implementation of Recommendation No. 201 (2018)

July, 2023

I) INTRODUCTION

At the 39th session of the Standing Committee of the Bern Convention held on 02-06.12.2019, the Standing Committee of the Bern Convention supported the opening of the case related to the construction on Skadar Lake and the case was opened. This means that Montenegro will continue to actively implement the recommendation and will inform the Bureau of the Standing Committee of the Bern Convention on a regular basis about progress.

At a 42nd meeting in November-December 2022, the Standing Committee of the Bern Convention thanked the Ministry of Ecology, Spatial Planning and Urbanism of Montenegro and the complainant organization, Green home for their presentations.

The Committee noted the significant progress of the Government of Montenegro such as the fact that no construction has been monitored at Porto Skadar Lake and White Village; the Protected Area revision study of the Skadar Lake National Park is underway; and several activities have been undertaken or are planned at Ulcinj Salina and Tara River.

The Committee also noted of the complainant's information that there was still no significant progress in the implementation of Recommendation no. 201 (2018), especially on the progress in the drafting of the Special Purpose Spatial Plan, and that illegal activities and illegal urbanization continue.

The Standing Committee once again emphasized the three key concerns of the complainant and called on the Government of Montenegro to follow them:

- abandon SLS Mihailovići and revoke all building permits for Porto Skadar Lake and White Village;
 - develop and deliver a new spatial plan and management plan for the National Park ensuring that they comply with Recommendations no. 201 (2018), and;
 - initiate and establish efficient and effective methods of monitoring implementation of existing laws.
- The file remains open and both parties were requested to provide updates for the 2nd Bureau meeting in 2023.

II) Implementation of Recommendation no. 201 (2018) of the Standing Committee of the Bern Convention

1. Construction works at Porto Skadar Lake and White village

The Urban Planning and Construction Inspectorate of the Ministry of Ecology, Spatial Planning and Urbanism, performs regular inspections at the location, i.e. at urban plots UP1, UP2 and UP3. In the procedure of control and inspection of these locations covered by the Project DSL "Mihailovići" Skadar Lake of the investors LLC "MJ PROPERTY" and LLC "Montenegro Resort Company - MRC", the Urban Planning and Construction Inspection established that there are no works at the location in question, which means that the situation has not changed compared to the last reporting period (November 2022).

The Administrations for Inspection Affairs of Montenegro performs inspection supervision in accordance with Article 108 of the Law on Nature Protection via an environmental inspector. During the inspection control performed in July, it was concluded that there had been no changes in the state of construction at the location.

Also, the management body of Skadar Lake National Park, is in charge to inform the Urban Planning and Construction Inspectorate if any construction works of investors "MJ PROPERTY" and LLC "Montenegro resort company - MRC" on the site is in the process. In the report period, according to the mentioned Inspectorate, the management body of Skadar Lake National Park did not report any construction work on the mentioned location.

2. Planning documents – Special purpose spatial plan for Lake Skadar NP and the Management plan

In the previous period (2018), the Spatial Plan of the Special Purpose area National Park "Skadar Lake" (PPPN NP Skadarsko jezero) was prepared, as we informed the Secretariat through previous Reports, but it was not adopted by the Assembly of Montenegro, which means that it is not valid and has not entered into force.

Currently, the old Spatial Plan of the Special Purpose area National Park "Skadar Lake" (Official Gazette of the Republic of Montenegro, number 46/01) from 2001 is in force, which belongs to the planning documentation from the previous period and its validity has been extended based on the current Planning Law space and construction of facilities until the adoption of the new Plan.

The Management Plan for NP Skadar Lake 2021-2025 is in its final phase. The Ministry of Ecology, Spatial Planning and Urbanism was actively involved in the preparation of the Management Plans through regular consultations with the Administration of the Public Enterprise of the NP Montenegro and through the engagement of 5 experts in the field of protected areas and management of protected areas who prepared a document with clear recommendations for improving the Management Plans.

Also, the Environmental Protection Agency of Montenegro has prepared a draft of the Protection Study through the project "Integrating biodiversity into sectoral policies and practices and strengthening the key points of biodiversity in Montenegro", which is financed through the Global Environmental Fund (GEF). The Protection Study will be the basis for the preparation of the Special Purpose Spatial Plan for the Skadar Lake National Park. In accordance with the legislation of Montenegro, it is necessary to organize a Public Hearing for the Protection Study, where, in the event that there are changes to the boundaries of the national park, initiate the Amendments to the Law on National Parks as well.

After the completion of the mentioned procedure, the preparation of the Special Purpose Spatial Plan will be started, considering that the plan from 2001 is currently in force.

3. Biodiversity monitoring of NP Skadar Lake, Prevention of illegal actions and implementation of existing laws

Biodiversity monitoring

Biodiversity monitoring of NP Skadar Lake is carried out on some targeted species (e.g. pelican, great cormorant, otter, Marsilea quadrifolia, Skadar oak, invasive species of plants...), communities (e.g. colonial birds, vegetation of islands in Krajina), habitats (e.g. Natura 2000). Priorities for monitoring are determined by employees of the Service for Development and Improvement of Public Enterprise for National Parks of Montenegro, based on objective criteria such as international importance (IUCN endangered category, presence on lists of directives and conventions, etc.), then based on recognized

pressures on the ground (e.g. presence of poaching, spread invasive species), as well as based on expert opinion, especially where data does not exist.

Conservation of species and habitats, their monitoring and research are the responsibility of experts from the joint Service for Development and Improvement. They carry out their activities in accordance with annual programs and established methodologies. Current information from the field on the state of the target species and habitats is obtained from the Protection Service or from the local population where there is cooperation and communication (e.g. with the support of fishermen to monitor the fish stock).

Most of monitoring results are kept in the form of individual documents in Excel or Word format maintained by relevant experts, and some of them are not systematized and consolidated into a single database it would be easily and publicly accessible. The results are used to make some management decisions – for example, information obtained from otter monitoring is translated into fishing bans, warning signs for visitors and drivers in sensitive locations, and the like.

On the link you can find the Report on the implementation of the Annual Management Programs for the National Parks of Montenegro for 2022 in local language, which contains all undertaken activities, taking into account the basic functions of protection and development, the use of goods and the provision of services through the work of the joint affairs services and organizational units of the PENPM. (https://nparkovi.me/wp-content/uploads/2023/07/IZVJESTAJ-O-RADU-za-2022_JPNPCG-2022-1.pdf).

Prevention of illegal actions

Illegal fishing represents the greatest pressure on NP Skadar Lake. Illegality is reflected in the use of illegal means and methods (such as power-aggregates, construction), hunting during prohibitions established for the purpose of spawning and hunting in permanently prohibited areas such as Okas, which are fish wintering grounds and therefore important for conservation their populations.

The Public Enterprise for National Parks (PENPM) has very limited legal powers, which is primarily reflected in the prevention of illegal activities (poaching, unplanned construction, pollution), where the Park depends on the intervention of other services, which are often not timely. The relationship of jurisdiction set in this way represents an aggravating circumstance in the chain of law enforcement.

Preventing illegal actions and monitoring on the ground is the job of the Protection Service of NP Skadar Lake and Control and Monitoring Service. The work of Protection Service is organized according to the system of patrols, which achieve the constant presence of supervisors on the ground, although their number is not sufficient for the entire area of the Park. The duties of supervisors are related to supervision in the field, reporting of illegal activities, their prevention and action in accordance with the regulations on the protection of persons and property and nature, in cooperation with other relevant services (Inspections, Police). Activities are not explicitly defined by management plans, but are defined internally within the service in accordance with the needs on the ground. The work of this service is reported on the basis of patrol sheets, minutes, the number of reports filed and the amount of confiscated illegal means.

The Control and Monitoring Service was formed by the PENPM to support the Protection Service in the actions of preventing illegal fishing. The management of PENPM is working to improve the protection of natural resources from illegal activities and that in this regard, in addition to the Physical Protection Service, it has also established a Control and Monitoring Service, whose primary job for now is to prevent illegal fishing on Lake Skadar. In 2022, 83 illegal fishing activities were identified. Also, the Ministry of Agriculture, Forestry and Water Management established a working group to combat illegal fishing. An associate for fisheries from the PENPM was delegated as a member of this group. The goal of the working group is to reduce illegal activities, strengthen the Park Protection Service, provide additional technical equipment, amend the legislation and achieve close cooperation of all institutions

involved in the problem of illegal fishing. During 2022, the working group held several meetings and for the last year it proposed activities and adopted the action plan of the working group.

The "Amendment to the Order on fishing bans, fishing conditions and minimum sizes of fish and other aquatic organisms below which fishing is prohibited" was also adopted. The problem of catch records has not yet been resolved, and in the coming period, through cooperation with the Ministry of Agriculture, Forestry and Water Management, attempts will be made through meetings and new measures will influence the fishermen to regulate this part of the fishery as well.

In 2022, two meetings were held with representatives of fishermen, in order to more successfully implement the new fishing rules.

Actions to prevent illegal fishing in Skadar Lake National Park were also covered by the media in order to raise awareness of illegal fishing and to inform about the activities undertaken by the Skadar Lake National Park to prevent them.

In the period from January 1, 2023 to June 30, 2023, Protection Service of PENP submitted:

- 3 applications against 4 persons to the Ministry of Agriculture, Forestry and Water Management, while it submitted

- 10 applications against 11 persons to the ODT.

In the same period, the Protection Service submitted:

- 16 applications for changes in the area (illegal construction, cutting down forests, devastation, setting up stands), to the Ministry of Ecology, Spatial Planning and Urbanism, UIP, Communal Police and Communal inspector and

- 4 applications for illegal passenger transport to the Directorate for Inspection Affairs.

Implementation of existing laws

Several laws from different sectors are implemented on Lake Skadar: The Law on Nature Protection and the Law on National Parks, but also laws from the domain of fisheries, water management, hunting, forestry, agriculture, space protection, customs and others. NP Skadar Lake, primarily its Protection Service, has very limited powers in this regard, and law enforcement must be done in cooperation with other institutions - primarily the police.

Cooperation exists, and many joint actions are organized, but the limited legal power of the Park represents one of the big barriers in this context. In addition, the weak links in the chain of law enforcement in the field of nature protection are represented by the prosecutor's office and the judiciary. Applications in the domain of poaching, damage to biodiversity, etc. are often rejected, in most cases because they are incomplete (applications to unknown persons, or without sufficient evidence). Lawsuits that get their epilogue in court end with modest fines, which are not discouraging for those engaged in illegal activities.